Application No. 10/811,168
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REMARKS

In the most recent Office Action, claims 1, 3 and 24-37 were pending. Claims 1, 3 and 24-25 are allowed. Claims 26-28, 30-34 and 36-37 are rejected. Claims 29 and 35 are objected to.

In response, claims 1, 26-30 and 32-36 are amended. Accordingly, claims 1, 3 and 24-37 are pending in the application. No new matter is added.

Applicant responds to the comments in the Office Action as follows:

Claim Objections

The Office Action states that claim 26 is objected for the informality of a typographical error, namely the term "part" should be corrected to read --parts-- on line 22 of claim 26. Applicant has amended claim 26 to remove the informality and overcome the objection, and respectfully requests that the objection be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. §103

The Office Action states that claims 26-28, 30-34 and 36-37 are rejected under 35 U.S.C §103(a) as being unpatentable over Japanese patent document 2001-61514 (JP '514) in view of Galbreath (U.S. Patent No. 6,138,330). In particular, the Office Action

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states that while JP '514 fails to disclose an integral disengagement device, the same is taught by Galbreath in an obvious combination. Applicant respectfully traverses the rejection.

Claim 26 is amended to recite a projection on the first buckle member, and that the disengagement device displaces the projection to disengage cooperative engagement parts or the counterpart that retain the first and second buckle members together. Claim 32 is amended to recite a projection on a first or second buckle member, and that the disengagement device displaces the projection to disengage cooperative engagement structures that cooperate to retain the buckle members together. The engagement parts or engagement structures recited in claims 26 and 32, respectively, are defined to be engaged with a cooperative engagement part or structure, or to be free from engagement, depending upon the relative orientation of the clasped buckle members.

The above elements are not disclosed or suggested in JP '514 or Galbreath, either alone or in combination. The disengagement structure apparently shown in JP '514 is not integral with either of the buckle members. In addition, actuation of the disengagement device apparently shown in JP '514 does not displace

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a projection in a cavity to disengage cooperative engagement structures or engagement parts, as defined in the present claims. The disclosure by Galbreath similarly fails to disclose or suggest displacement of a projection in a cavity by an integral disengagement device to disengage the cooperative engagements involved in clasping the buckle. Because they recite limitations not found in the cited prior art references of JP '514 or Galbreath, either alone or in combination with each other, claims 26 and 32 should be considered patentable over those references.

Moreover, Applicant submits that it would not be obvious to combine or modify the teachings of JP '514 in view of Galbreath to arrive at the invention recited in claims 26 and 32. The disclosure of JP '514 is directed to a high security buckle that may not be released unless the operator has the particular key, or disengagement device, that permits the locking latch to be released. Accordingly, the buckle disclosed in JP '514 is intended not to be easily unclasped in the absence of a key to unlock the locking latch. The disclosure by Galbreath is accordingly contrary to that of JP '514, in that the disengagement device of Galbreath is designed to be easily and intuitively used to unblock the side catch arms of the plug. Therefore, the disclosures by JP '514 and Galbreath teach against their

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combination or modification in view of each other. Indeed, if the disengagement device of JP '514 were to be modified to permit the operator to quickly and simply disengage the locking latch, in accordance with the disengagement device disclosed by Galbreath, as suggested in the Office Action, the modification would render the buckle disclosed in JP '514 unsatisfactory for its intended purpose. If a proposed modification would render the prior art device unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed.Cir. 1984); MPEP §143.01(V). In addition, the proposed modification cannot change the principle of operation of the buckle disclosed by JP '514. If the proposed modification or combination of prior art references would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); MPEP §2143.01(VI). Accordingly, Applicant submits that the combination of JP '514 and Galbreath cannot be made to establish a *prima facie* case of obviousness, and that there is no teaching or suggestion to combine or modify the reference teachings.

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Furthermore, the configuration of the safety buckle recited in the claims of the present application is unique and advantageous over the configurations described in JP '514 and Galbreath, since the buckle according to the present claims is useful as a child resistant clasp that is intuitive and simple for an adult to operate. For example, by permitting the recited projection to be displaced to disengage the cooperative engagements that retain the buckle together, the buckle can be manufactured with greater tolerance for adverse conditions that may exist with typical child seats and child restraints, including extreme outdoor environments, compressive and impact loading and abusive and inappropriate buckle usages. For example, the buckle clasp configuration illustrated in Galbreath is prone to jamming or becoming unworkable so that it is difficult to unclasp under the adverse conditions described above. Similarly, the buckle described in JP '514 is designed not to open without the use of a key to unlock the locking latch. That is, the buckle described in JP '514 is not intended at all to be used in a child restraint, especially due to the likely and highly undesirable situation of being unable to free a child from a child seat with such a buckle. Such a result of encountering a locked buckle with the use of the

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buckle described in JP '514 is indeed intentional, since the buckle is designed to be securely locked and not easily opened.

For all of the above reasons, Applicant respectfully submits that claims 26 and 32 should be allowable over the cited prior art references of JP '514 and Galbreath, either alone or in combination, and respectfully requests that the rejection of those claims under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Claims 27-28, 30-31, 33-34 and 36-37 ultimately depend upon and further limit corresponding claims 26 and 32, and should be allowable for the same reasons that the independent claims are allowable and also because of the further limitations recited in the dependent claims. Accordingly, Applicant respectfully submits that the rejection of claims 27-28, 30-31, 33-34 and 36-37 under 35 U.S.C. §103(a) over JP '514 in view of Galbreath is overcome and respectfully requests that it be reconsidered and withdrawn.

Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 1, 3 and 24-25, as well as the finding that claims 29 and 35 are allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to correct an inconsistency in the

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recitation of the subject matter, and respectfully believes that claim 1 continues to be allowable, as well as claims 3 and 24-25. Applicant respectfully submits that claims 29 and 35 are dependent upon claims that are now allowable, and respectfully requests notice of allowance for those claims.

Conclusion

In view of the above amendments and discussion, Applicant respectfully submits that the application is now in condition for allowance earnestly solicits notice to that effect.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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